

REMARKS

This Preliminary Amendment is being filed concurrently with the Request for Continued Examination (RCE) application.

Claims 1-7 are in the application and, by the Office Action dated June 15, 2004, claims 1 to 5 and 7 stand rejected under 35 U.S.C. §103(a) as being obvious over the device shown by Krevor (U.S. 4,685,090). The Examiner, in the Office Action, acknowledges the existence of patentable subject matter in claim 6.

At an interview held between the Examiner and Applicants' attorney on August 30, 2004, for which Applicants' attorney expresses his gratitude, it was agreed that a significant difference exists between the invention embodied in the disclosure of the instant patent application and that described in the Krevor patent. Specifically, the teaching of Krevor involves the construction of a laminated tubular housing which is particularly adapted for the containment of one or more sensors to be towed behind a vessel at sea. More particularly, the patented structure is a sealed tubular housing which contains the concerned instrumentation and is filled with an acoustically transparent material, such as oil, through which sound may propagate and that may improve buoyancy (col. 1, lines 11 to 23).

The patent further teaches that the tubular housing be formed by a laminate construction comprising at least three layers in which an interior layer is sandwiched between an outer layer and an inner layer and wherein the respective layers are provided with particular properties. Principally, the interior layer is intended to provide a vibration damping function and, accordingly, is formed of a resilient polymeric material which has a prescribed loss tangent and elastic modulus that will

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achieve high mechanical damping without being excessively flexible. The outer and inner layers of the material forming the housing, on the other hand, are intended to enable the housing to provide constrained layer damping, and so are formed of a material having a modulus that is higher than that of the interior layer and, more particularly, are such that the elastic modulus of the inner layer is greater than that of the outer layer (col. 6, lines 46-64).

As contrasted with the laminated device described by Krevor, Applicants' device is a hose, not a sealed housing and, as now specifically claimed, is defined as being an elongated hollow structure having means at its opposite ends forming openings for the conduct of mediums through the hose. The material forming Applicants' hose is composed of rubber having a prescribed storage elastic modulus and damping factor which, while perhaps similar to the material of the interior layer of Krevor, certainly does not require containment by inner and outer laminate layers, as required by the patented device.

For the foregoing reasons, therefore, it is submitted that the cited Krevor patent neither anticipates nor renders obvious Applicant's claimed invention. The claims now in the application are thus submitted as being patentable over the cited reference and should be allowed.

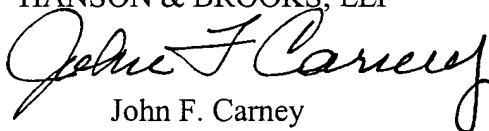
The Examiner is accordingly requested to favorably consider the claims as now amended and to allow the application.

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Respectfully submitted,

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